



Report to the Auburn City Council

Action Item

4

Agenda Item No.

[Signature]
City Manager's Approval

To: Mayor and City Council Members
From: Mark D'Ambrogi, Fire Chief
Lisa Hoffrogge, Building Official
Date: December 13, 2010
Subject: An Ordinance to Amend the Auburn Municipal Code: Sections 100.50, 100.53, 100.54, 100.55, 100.56, 100.58, and 100.59 of Chapter 100 of TITLE IX and Chapter 150 of TITLE XV of the Auburn Municipal Code and adopt the 2010 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2009 International Existing Building Code, and the 2009 International Property Maintenance Code.

The Issue

Shall the Council amend the Auburn Municipal Code and by Ordinance, adopt the 2010 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2009 International Existing Building Code, and the 2009 International Property Maintenance Code?

Conclusion and Recommendation

Staff recommends that the City Council adopt an ORDINANCE and conduct a second reading by title only, to amend the Auburn Municipal Code and adopt the 2010 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2009 International Existing Building Code, and the 2009 International Property Maintenance Code.

Background

At the City Council meeting of November 8, 2010 Council held a Public Hearing to introduce an ordinance to amend the Auburn Municipal Code to adopt the 2010 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2009 International Existing Building Code, and the 2009 International Property Maintenance Code.

No public comment and or changes were proposed at this meeting. A first reading of title was conducted. This second action is required for a complete adoption process.

California Fire Code

The California Fire Code (CFC) is the code used to regulate hazardous conditions to life and property from fire or explosion. This code is used for planning, review, conduct inspections of development and occupancies to ensure fire safe measures are in place for the protection against the hazards of fire. The CFC is used in the application of conditions and regulations for new construction based on occupancy type and use. The CFC to be introduced is the 2010 Edition as published by the California Building Standards Commission (CBSC) and based on the 2009 International Fire Code. The last formal adoption by the City of Auburn was the 2007 Edition of the California Fire Code. This process will update the Auburn Municipal Code (AMC) to the current Fire Code Edition.

In addition to adoption, amendments are proposed to this introduction of code adoption. Such amendments either clarifies through definition and or reflect more restrictive changes to the code that meet local needs in an effort to ensure the upmost in life safety.

Such amendments include:

Limitations on the storage of flammable and hazardous products.

Emergency Access defines and regulations pertaining to.

Fire sprinklers and fire alarms; where required.

Section 100.88, FIRE RESISTIVE BUILDING STANDARDS;

REQUIREMENTS, has been repealed and replaced with Chapter 7A of the California Building Code and Section R327 of the California Residential Code which addresses such standards.

This process is a formality of "code" adoption at the local government level.

California Building Code

The California Building Code (CBC) is the code used to regulate structural and non-structural provisions for construction. This code is used to satisfy fire, life, safety, access and other requirements of new buildings and

alterations to existing buildings. The CBC to be introduced is the 2010 Edition as published by the CBSC and is based on the 2009 International Building Code. The last formal adoption by the City of Auburn was the 2007 Edition of the California Building Code. This process is to update the AMC to the current Building Code Edition.

In addition to adoption, amendments have been made to this introduction of code adoption. Such amendments reflect changes that have occurred since the last code adoption, primarily in language and section numbering change.

California Residential Code

The California Residential Code (CRC) is the code used to regulate residential construction in the state. This is a newly introduced Code book, derived from the CBC that applies only to R-3 and R-3.1 occupancies, including State licensed care facilities. This code is used to satisfy fire, life, safety and other requirements for residential type occupancies as well as utility and miscellaneous structures associated therewith. The CRC to be introduced is the 2010 Edition as published by the CBSC and is based on the 2009 International Residential Code. This process is to include the Code in the AMC.

In addition to adoption, amendments have been made to reflect changes due mostly to code enforcement issues.

California Mechanical Code

The California Mechanical Code (CMC) is the code used to regulate complete requirements for the installation and maintenance of heating, ventilating, cooking, and refrigeration systems. The CMC to be introduced is the 2010 Edition as published by the CBSC and is based on the 2009 Uniform Mechanical Code. The last formal adoption by the City of Auburn was the 2007 Uniform Mechanical Code. This process is to update the AMC to the current Mechanical Code Edition.

California Electrical Code

The California Electrical Code (CEC) is the code used to regulate the construction, alteration, moving, demolition, repair and use of all electrical equipment, wiring and systems in or on any building or structure or outdoors on and premise or property, except such as is expressly exempted. The CEC to be introduced is the 2010 Edition as published by the CBSC and is based on the 2008 National Electrical Code. The last formal adoption by the City of Auburn was the 2007 National Electrical Code. This process is to update the AMC to the current Electrical Code Edition.

In addition to adoption, amendments have been made to this introduction of code adoption. Such amendments reflect changes that have occurred since the last code adoption, primarily in language and section numbering change.

California Plumbing Code

The California Plumbing Code (CPC) is the code used to regulate the construction, alteration, moving, demolition, repair and use of all water, drainage, venting and sewer systems, fixtures and appliances. The CPC to be introduced is the 2010 Edition as published by the CBSC and is based on the 2009 Uniform Plumbing Code. The last formal adoption by the City of Auburn was the 2007 Uniform Plumbing Code. This process is to update the AMC to the current Plumbing Code Edition.

Uniform Code for the Abatement of Dangerous Buildings

Uniform Code for the Abatement of Dangerous Buildings (UCADG) is the code used to afford jurisdictions reasonable procedures for the classification and abatement of dangerous buildings. It is adopted as resource for code enforcement.

International Existing Building Code

The International Existing Building Code (IEBC) is the code that applies to the repair, alteration, change of occupancy, additions and relocation of all existing buildings. The IEBC to be introduced is the 2009 Edition as published by the International Code Council. This code has proven to be extremely helpful in dealing with our existing historic inventory of buildings. It includes mitigation measures for such different circumstances as access requirements, property line protection and change in use of existing structures.

In addition to adoption, amendments have been made to this introduction of code adoption. Such amendments reflect changes that have occurred since the last code adoption, primarily in language and section numbering change.

International Property Maintenance Code

The International Property Maintenance Code (IPMC) is the code that applies to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. The IPMC to be introduced is the 2009 Edition as published by the International Code Council.

Alternatives Available to Council; Implications of Alternatives

1. Conduct a public hearing and introduce by a first reading, title only;
2. Take no action. By not taking action, the California Building Standards Codes will automatically go into effect as adopted by the State of California without local amendments.

Fiscal Impact

Limited costs may occur to the City and will be absorbed through budgeted funds. These costs may include; purchase of new code documents, printing, and photocopy.

ORDINANCE NO. 10-

AN ORDINANCE AMENDING SECTIONS 100.50, 100.53, 100.54, 100.55, 100.56, 100.58, AND 100.59 OF CHAPTER 100 OF TITLE IX AND CHAPTER 150 OF TITLE XV OF THE AUBURN MUNICIPAL CODE BY ADOPTING THE 2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES AND MAKING NECESSARY AMENDMENTS THERETO AND BY ADOPTING THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 2009 INTERNATIONAL EXISTING BUILDING CODE, AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, the City Council of the City of Auburn does hereby find that there is need to enforce the most current editions of the California Codes, regulating and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises, and, regulating and governing the design, erection, construction, enlargement, installation, alteration, repair, removal, use and occupancy, demolition, conversion, height and area, location and maintenance, and quality of materials of all buildings and structures and plumbing, mechanical, electrical and certain equipments, within the City;

WHEREAS, pursuant to sections 17922, 17958, 17958.5, and 17958.7 of the California Health & Safety Code, the City may adopt provisions of the California Codes, with certain amendments to the provisions of the codes which are reasonably necessary to protect the health, wealth and safety of citizens of Auburn because of local climate, geological and topographical conditions;

WHEREAS, on this date, the City Council of the City of Auburn made the factual findings contained herein relating to the amendments to the California Codes recited herein in accordance with Health & Safety Code section 18941.5;

WHEREAS, the City Council does hereby further find that in accordance with section 15061(b)(3) of the California Code of Regulations, the adoption of local amendments to the California Codes, and amending the Auburn Municipal Code are exempt from the provisions of the California Environmental Quality Act.

1
2 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, CALIFORNIA, DOES
3 HEREBY ORDAIN AS FOLLOWS:

4
5 **Section 1.** *Code Amendment.* Sections 100.50, 100.53, 100.54, 100.55, 100.56,
6 100.58, and 100.59 of Chapter 100 of Title IX of the Auburn Municipal Code are
hereby amended to read as follows:

7 **§100.50. ADOPTION OF THE FIRE CODE.**

8 There is hereby adopted by the Council, for the purpose of prescribing
9 regulations governing conditions hazardous to life and property from fire or explosion,
10 that certain Code known as the California Fire Code, including Appendix Chapters 4, B,
11 BB, C, CC, thereto and the California Fire Code standards published by the
12 International Code Council, being particularly the 2010 Edition thereof and the whole
13 thereof, save and except such portions as are hereinafter deleted, modified or
14 amended as set forth in this article, of which Code not less than one (1) copy have
15 been and are now filed in the office of the City Clerk, and said Code is hereby adopted
16 and incorporated in this chapter as fully as if set out at length in this chapter, and the
17 provisions thereof shall be controlling within the limits of the City.

18
19 **§100.53 LIMITS IN WHICH THE STORAGE OF CLASS I AND CLASS II**
20 **LIQUIDS IN ABOVE-GROUND TANKS OUTSIDE OF**
21 **BUILDINGS IS PROHIBITED.**

- 22 (A) The limits referred to in section 3404.2.9.6.1. of the Fire Code, in which the
23 storage of Class I and Class II liquids in above-ground tanks outside of
24 buildings are hereby established as areas where such use as determined by the
25 Fire Chief may be restricted in accordance with the city zoning ordinance.
26 (B) The Council, by resolution, may modify the limits of the districts established by
27 the provisions of this section.
28

1 **§100.54. LIMITS IN WHICH THE STORAGE OF CLASS I AND CLASS II**
2 **LIQUIDS IN ABOVE-GROUND TANKS IS PROHIBITED.**

- 3 (A) The limits referred to in section 3406.2.4.4 of the Fire Code, in which the
4 storage of Class I and Class II liquids in above-ground tanks are hereby
5 established as areas where such use as determined by the Fire Chief may be
6 restricted in accordance with the city zoning ordinance.
- 7 (B) The Council, by resolution, may modify the limits of the districts established by
8 the provisions of this section.

9
10 **§100.55. LIMITS IN WHICH THE STORAGE OF FLAMMABLE**
11 **CRYOGENIC FLUIDS IN STATIONARY CONTAINERS IS**
12 **PROHIBITED.**

- 13 (A) The geographic limits referred to in section 3506.2 of the Fire Code, in which
14 the storage of flammable cryogenic fluids in stationary containers is prohibited,
15 are hereby established as areas where certain use, as determined by the Fire
16 Chief, may be restricted in accordance with the city zoning ordinance.
- 17 (B) The Council, by resolution, may modify the limits of the districts established by
18 the provisions of this section, unless other applicable law requires an
19 amendment to occur via ordinance.

20
21 **§100.56. LIMITS IN WHICH THE STORAGE OF LIQUEFIED PETROLEUM**
22 **GAS IS RESTRICTED FOR THE PROTECTION OF HEAVILY**
23 **POPULATED OR CONGESTED AREAS.**

- 24 (A) The geographic limits referred to in section 3804.2 of the Fire Code, in which
25 the storage of liquefied petroleum gas is restricted for the protection of heavily
26 populated or congested areas, are hereby established as areas where certain,
27 use as determined by the Fire Chief, may be restricted in accordance with the
28 city zoning ordinance.

- 1 (B) The Council, by resolution, may modify the limits of the districts established by
2 the provisions of this section.

3
4 **§100.58 AMENDMENTS TO THE FIRE CODE.**

- 5 (A) Fire Code Section 502.1; is amended to read as follows:

6 Definitions, Added:

- 7 (1) EMERGENCY ACCESS. A road that provides access for emergency
8 vehicles during an emergency and egress/evacuation for non-emergency
9 vehicles simultaneously.

- 10 (B) Fire Code Section 503.2.1 is amended to read as follows:

- 11 (1) Dimensions. Fire apparatus roads and Emergency Access shall have an
12 unobstructed width of not less than 26 feet, exclusive of shoulders, and
13 an unobstructed vertical clearance of not less than 15 feet.

- 14 (C) Fire Code Section 503.4 is amended to read as follows:

- 15 (1) Obstruction of Emergency Access. Emergency Access shall not be
16 obstructed in any manner, including the parking of vehicles. Minimum
17 widths and clearances shall be maintained at all times.

- 18 (D) Fire Code Section 903.2 is amended to read as follows:

- 19 (1) Where required. Approved automatic sprinkler systems shall be installed
20 in all new buildings where the occupancy/building has 3,600 or more
21 square feet of floor area, except where other sections of the Fire Code or
22 the California State Fire Marshals regulations are more restrictive, then
23 the more restrictive shall apply. Where additions increase the total size of
24 the occupancy/building to 3,600 square feet or more, the addition and
25 existing occupancy/building shall be provided/retrofitted with an
26 approved automatic sprinkler system.

27 EXCEPTIONS:

- 28 1. Group U occupancy.

- 1 2. Group R Division 3 occupancies shall comply with applicable
2 Building Code requirements.
- 3 (E) Fire Code Section 907.2 is amended to read as follows:
- 4 (1) Where required. All occupancies except Group R, Division 3 and Group U
5 occupancies shall have an approved automatic fire alarm system installed
6 when the occupancy/building does not have an approved automatic
7 sprinkler system installed and is greater than 1,500 square feet of total
8 floor area except where other sections of the Fire Code or the California
9 State Fire Marshals regulations are more restrictive, then the more
10 restrictive shall apply. Where additions increase the total size of the
11 occupancy/building to 1,500 square feet or more, and or the occupancy
12 use is changed, the addition and the existing occupancy/building shall be
13 provided with an approved automatic fire alarm system.
- 14 (2) All A, E, H, I, and M occupancies shall have an automatic fire alarm
15 system installed in addition to any other system(s) required by the Fire
16 Code, when required by the authority having jurisdiction except where
17 other sections of the Fire Code or the California State Fire Marshals
18 regulations are more restrictive, then the more restrictive shall apply.
- 19 (3) Fire alarm system shall mean, but not limited to; smoke detection, heat
20 detection, and manual pull devices.

21

22 **§100.59 FINDINGS**

- 23 (A) The Council, following due consideration, hereby finds and determines that all
24 the amendments, deletions, and additions to the foregoing Fire Code are
25 reasonably necessary due to local climatic, geological, and topographical
26 conditions existing throughout the City. The City hereby finds and declares that:
27 The area within which the City is located is within Very High, High, and
28 Moderate Fire Hazard Severity Zones as designated by CAL FIRE Department of

1 Forestry and Fire Protection and is identified as a City at risk in the National Fire
2 Plan resulting in significant risk to fire. Such conditions increase fire danger by
3 significantly contributing to the spread and intensity of fires and significantly
4 increase the difficulty of effective fire suppression within the City endangering
5 lives and/or millions of dollars in property value. These amendments assist in
6 addressing the fire problems, concerns and future direction by which the
7 authority can establish and maintain an environment which will afford a level of
8 fire and life safety to all who live and work within the City's boundaries.

- 9 (1) Sections 3404.2.9.6.1, 3406.2.4.4, 3506.2, and 3804.2 of the Fire Code
10 are modified to enable the City Council to modify by resolution the limits
11 in which flammable liquids and gases can be stored to ensure public
12 safety.
- 13 (2) Sections 502.1, 503.2.1, and 503.4 of the Fire Code are amended to
14 clearly define regulations and standards to ensure public safety through
15 means of adequate evacuation for citizens and to limit delays in response
16 time for emergency resources and reduce hazards to firefighters.
- 17 (3) Sections 903.2 and 907.2 of the Fire Code are amended due to life safety
18 conditions that clearly define the regulations based upon
19 occupancy/building use and the life safety fire protection and detection
20 systems required to ensure public safety. The modifications contained in
21 these amendments provide additional fire extinguishing systems in new
22 construction, major remodels, additions, and occupancy classification
23 changes to help mitigate fire problems and to confine a fire to the area of
24 origin rather than spread to neighboring structures or the wildland. In
25 addition, the use of fire alarm systems ensures early detection and
26 notification as so fire in occupancies/buildings may be mitigated in a
27 timely manner.
28

1 **Section 2.** *Code Amendment.* Section 100.88 of the Auburn Municipal Code
2 regarding fire resistive building standard for construction or relocation into Fire Hazard
3 Severity Zones is hereby repealed.

4
5 **Section 3.** *Code Amendment.* Chapter 150 of Title XV of the Auburn Municipal Code
6 is hereby amended to read as follows:

7
8 **BUILDING CODE**

9 **§ 150.001 ADOPTION OF THE CALIFORNIA BUILDING CODE AND**
10 **CALIFORNIA BUILDING STANDARDS.**

11 For the purposes of protecting the public health and welfare and establishing rules and
12 regulations for the construction, enlargement, alteration, repair, moving, removal,
13 conversion, demolition, occupancy, equipment, use, height, area and maintenance of
14 buildings and structures in the city, that certain code designated as the "California
15 Building Code," 2010 Edition, Volumes 1 and 2, including Appendix Chapters B, C and
16 F thereto which was published by the International Code Council, 1 copy of which is on
17 file in the office of the Building Department for public record and inspection, are
18 hereby adopted by reference and made a part of this subchapter as though set forth
19 in this chapter in full, subject, however, to the amendments, additions and deletions
20 set forth in this subchapter, and the codes shall be known as the Building Code of the
21 city.

22
23 **§ 150.002 FINDINGS.**

24 (A) The provisions of this chapter are reasonably necessary because of the
25 following local climatic, geological and or topographical conditions:

- 26 (1) Section 201.4 is amended due to topographical conditions; the hillside
27 construction within the city and the need for public safety require a clear
28 understanding of the standards and requirements. The amendment makes

1 clear the definitions necessary to implement the desired standards and
2 regulations.

3 (2) Section 202 "Bedroom" definition is added because due to the unique
4 topography of the City certain illegal units are free-standing.

5 (3) Section T1505.1 is amended due to topographical conditions; due to fire
6 severity zoning within the City and to be consistent with the adopted
7 Ordinance of Placer County requiring Class A Roofing. The City finds the
8 amendment imposes stricter requirements for roof construction.

9 (4) Sections 1505.6 and 1505.7 are amended due to climatic and topographical
10 conditions, such as high velocity winds and high temperatures with
11 accompanying low humidity, such that areas in the city are designated as
12 fire hazard severity zone and a Placer County Ordinance requires Class A
13 Roofing. The city finds the amendment imposes stricter requirements for
14 roof construction.

15 (5) Section 1608.2 is amended due to climatic conditions; historical information
16 indicates that local weather conditions can produce snow fall requiring the
17 proper measurement.

18 (6) The provisions for permit fees in Chapter 1 are amended to allow the City
19 Council to set a permit fee that reflects the cost of providing the service in
20 light of the local climatic, geological, and topographic conditions in the City.
21

22 **§ 150.003 AMENDMENTS TO BUILDING CODE.**

23 (A) California Building Code. The following sections of the California Building
24 Code are amended as follows:

25 (1) Section 201.4. Where terms are not defined through the methods
26 authorized by this section, such terms shall have ordinarily accepted
27 meanings such as the context implies. Webster's Third New International
28

Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

(2) Section 202 Bedroom is hereby defined as: "A room with a bed or a closet, whether built-in or free-standing".

(3) Table 1505.1 shall be revised as follows:

MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

(4) Delete Sections 1505.6 and 1505.7 - Wood shakes and shingles are not allowed in new construction.

(5) Section 1608.2: Ground snow load p_g = 20 pounds per square foot.

(B) Chapter 1, of the California Building Code is amended as follows: The permit fee shall be established by resolution of the City Council.

RESIDENTIAL CODE

§ 150.006 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE.

For the purposes of protecting the public health and welfare and establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, that certain code designated as the "California Residential Code," 2010 Edition, including Appendix Chapters E, G, and K thereto which was published by the International Code Council, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby adopted by reference and made a part of this subchapter as though set forth in this

chapter in full, subject, however, to the amendments, additions and deletions set forth in this subchapter, and the codes shall be known as the Residential Code of the city.

§ 150.007 FINDINGS.

(A) The provisions of this chapter are reasonably necessary because of the following local climatic, geological and or topographical conditions:

- (1) Section R201.4 is amended due to topographical conditions; the hillside construction within the city and the need for public safety require a clear understanding of the standards and requirements. The amendment makes clear the definitions necessary to implement the desired standards and regulations.
- (2) Section R202 "Bedroom" definition is added because due to the unique topography of the City certain illegal units are free-standing.
- (3) Section R319.1 is amended due to topographical conditions; the hillside construction, mature landscaping including dense canopy can make it difficult for emergency, public and private services to identify the address of parcels of real property within the city causing a public safety concern. The amendment makes clear addressing necessary in the area.
- (4) Sections R902.1, R902.2, R905.7 and R905.8 are amended due to climatic and topographical conditions, such as high velocity winds and high temperatures with accompanying low humidity, such that areas in the city are designated as fire hazard severity zone and a Placer County Ordinance requires Class A Roofing. The city finds the amendment imposes stricter requirements for roof construction.
- (5) Section R301.2(5), Figure 1608.2 "20 Pound Snow Load" is amended due to climatic conditions; historical information indicates that local weather conditions can produce snow fall requiring the proper measurement.

- (6) Section AG105.2(1) "Barrier Height" is amended to due to topographical conditions; hillside construction in the area makes raising the fence height necessary.
- (7) The provisions for permit fees in Chapter 1 are amended to allow the City Council to set a permit fee that reflects the cost of providing the service in light of the local climatic, geological, and topographic conditions in the City.

§ 150.008 AMENDMENTS TO RESIDENTIAL CODE.

(A) California Residential Code. The following sections of the California Residential Code are amended as follows:

- (1) Section R201.4. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (2) Section R202 Bedroom is hereby defined as: "A room with a bed or a closet, whether built-in or free-standing".
- (3) Section R319.1. In the case of single-family residences, each new dwelling constructed in the city shall maintain an automatic, internally illuminated house numbering unit which is visible from the street.
- (4) Section R902.1 shall be revised as follows:

MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

- (5) Delete Sections R902.2, R905.7 and R905.8 - Wood shakes and shingles are not allowed in new construction.
- (6) Section R301.2(5), Figure 1608.2: Ground snow load p_g = 20 pounds per square foot.

1 (7) Section AG105.2(1). Revise the barrier height to 60" from 48".

2
3 (B) Chapter 1, of the California Residential Code is amended as follows: The
4 permit fee shall be established by resolution of the City Council.
5

6 **BUILDING PERMITS**

7 **§ 150.015 DENIAL; GROUNDS.**

8 No building or occupancy permit shall be issued when the Council, or a properly
9 delegated authority, gives notice to the Building Official to withhold such permit where
10 the action is deemed to be in the public interests, for the protection of the public
11 health and safety, or for the general public welfare, including noncompliance by the
12 applicant with any law or any agreement with the city or the Planning Commission, or
13 which would constitute an improper land use. Any such denial of a permit shall
14 contain a provision for the issuance of the permit upon the completion of designated
15 corrective action by the applicant.
16

17 **§ 150.016 ISSUANCE; BUILDING ACCESS REQUIRED.**

18 Before a building permit shall be granted for any use other than a single-family
19 residential use, a designated committee of the Planning Commission shall make a
20 written finding that the lot in question has adequate frontage upon a dedicated public
21 street or upon a recorded private easement determined by the Director of Public
22 Works to be adequate for purposes of access, including access for emergency
23 vehicles, reasonably sufficient for the intended use.

24 **§ 150.017 ISSUANCE; IMPROVEMENTS REQUIRED.**

25 (A) *Curbs, gutters, drainage facilities, sidewalks and driveways for other than*
26 *single family residential uses.* Following a finding that a lot has adequate frontage, as
27 set forth in § 150.016 of this chapter, no building permit for other than single-family
28 residential uses shall be granted until the applicant has either installed, at his or her

1 own expense, curbs, gutters, drainage facilities, sidewalks, and a driveway, all
2 according to the standard specifications of the city, and on all street frontages of the
3 lots to be used in conjunction with the building to be constructed or improved or, in
4 the alternative, has entered into an improvement agreement with the city in which the
5 applicant agrees to install the improvements required by this subsection, either prior
6 to the final inspection, or prior to the issuance of a certificate of occupancy, or upon a
7 date certain from the date of the improvement agreement, agreeing to hold the city
8 and its agents, officers, and employees free and harmless from all claims of any
9 nature whatsoever arising in any way from the use and occupancy of the property or
10 from the condition of the property. The improvement agreement shall be in a form
11 approved by the city. Unless it is waived by the city, the applicant shall furnish the
12 city with a performance bond or other security approved by the city in an amount
13 deemed reasonably adequate by the Director of Public Services to secure the full and
14 complete performance of the agreement by the applicant.

15 (B) *Curbs, gutters, drainage facilities, sidewalks and streets for single family*
16 *residential uses.* Whenever a lot is without standard curbs, gutters, drainage facilities,
17 sidewalks or a paved street, or any one of them, and the Building Official determines
18 that any one or more of them have already have been constructed on 40% of the
19 occupied frontage of the same side of the street as the property for which a building
20 permit is sought, the applicant shall construct the improvements, according to the
21 standard specifications of the city, before a building permit shall be granted for single-
22 family residential uses. For the purpose of computing the percentage, the percentage
23 shall be of the block not to exceed 250 feet on either side of the property to a street
24 corner.

25 (C) *Paved streets.* Following a finding that a lot has adequate frontage, as set
26 forth in § 150.016 of this chapter, and upon a joint finding by the Chief of Police and
27 the Director of Public Services that the nature of the proposed occupancy of the
28 premises is such that it will result in an increase in traffic, or create any hazardous

1 condition, so that a paved street is reasonably necessary in order to protect the
2 public, the applicant shall be required to pave, according to the standard specifications
3 of the city, 1/2 of the width of the street prior to the issuance of a building permit for
4 other than single-family residential uses; provided, however, the paving need not
5 exceed 33 feet in width. Where the frontage is on a private easement, the Chief of
6 Police and the City Engineer, upon such a joint finding, may require the entire width of
7 the private easement to be so paved and adequate drainage to be provided.

8 (D) *Street widening and corner rounding.* Following a finding that a lot has
9 adequate frontage, as set forth in § 150.016 of this chapter, and in all cases where
10 the Council determines, because of increased traffic caused by the intended uses, that
11 street widening or corner rounding is required, the property owner shall deed to the
12 city, at no cost to the city, an adequate right-of-way therefore prior to the granting of
13 a building permit for other than single-family residential uses.

14
15 **§ 150.018 REIMBURSEMENTS FOR COSTS OF IMPROVEMENTS.**

16 Any applicant for a building permit who is required to construct public
17 improvements pursuant to this chapter, which improvements would benefit other
18 property owners who would otherwise be required to construct the improvements,
19 may enter into an agreement with the city for the reimbursement of a pro rata share
20 of the initial cost of constructing the improvements from the other property owners
21 upon the development of real property by such other benefitting property owners.

22 **§ 150.019 FACILITIES AND EQUIPMENT FEES.**

23 (A) *Purpose.* In order to implement goals and objectives of the capital facilities
24 and equipment element of the city's general plan, and to mitigate the service delivery
25 impacts caused by new development in the city, certain public facilities and equipment
26 must be acquired. The City Council has determined that a development impact fee is
27 needed in order to finance these public improvements and to pay for the
28 development's fair share of the construction costs of these improvements. In

1 establishing the fee described in the following subsections, the City Council has found
2 the fee to be consistent with its general plan and, pursuant to Cal. Gov't Code §
3 65913.2, has considered the effects of the fee with respect to the city's housing needs
4 as established in the housing element of the general plan.

5 (B) *Description of area to be benefitted.*

6 (1) A public facilities and equipment fee is hereby established on issuance of
7 all building permits as set forth in Res. 90-158, for development within the city to pay
8 for designated facilities and equipment. The City Council shall, by resolution, set forth
9 the specific amount of the fee, describe the benefit and impact area on which the
10 development fee is imposed, list the specific public improvements to be financed,
11 describe the estimated cost of the facilities, describe the reasonable relationship
12 between this fee and the various types of new developments and set forth time for
13 payment. As described in the resolution establishing the fee amounts, this
14 development fee shall be paid by each developer prior to issuance of a building
15 permit.

16 (2) On an annual basis, the City Council shall review such fees to determine
17 whether the fee amounts are reasonably related to the impacts of developments and
18 whether the described public facilities are still needed.

19 (C) *Limited use of fees.* The revenues raised by payment of this fee shall be
20 placed in a separate and special account and the revenues, along with any interest
21 earnings on that account, shall be used solely to:

22 (1) Pay for the city's future construction of facilities described in the
23 resolution enacted pursuant to division (B) above or to reimburse the city for those
24 described or listed facilities constructed by the city with funds advanced by the city
25 from other sources; or

26 (2) Reimburse developers who have been required or permitted by division
27 (D) below to install the listed facilities which are oversized with supplemental size,
28 length or capacity.

1 (D) *Developer construction of facilities.* Whenever a developer is required, as a
2 condition of approval of a development permit, to construct a public facility described
3 in a resolution adopted pursuant to division (B) above, which facility is determined by
4 the city to have supplemental size, length or capacity over that needed for the
5 impacts of that development, and when the construction is necessary to ensure
6 efficient and timely construction of the facilities network, a reimbursement agreement
7 with the developer and a credit against the fee, which would otherwise be charged
8 pursuant to this section on the development project, shall be offered. The
9 reimbursement amount shall not include the portion of the improvement needed to
10 provide services or mitigate the need for the facility or the burdens created by the
11 development.

12 (E) *Fee adjustments.* A developer of any project subject to the fee described in
13 division (B) above may apply to the City Council for a reduction or adjustment to that
14 fee, or a waiver of that fee, based upon the absence of any reasonable relationship or
15 nexus between the facilities and equipment impacts of that development and either
16 the amount of the fee charged or the type of facilities to be financed. The application
17 shall be made in writing and filed with the City Clerk not later than:

18 (1) Ten days prior to the public hearing on the development permit
19 application for the project; or

20 (2) If no development permit is required, at the time of the filing of the
21 request for a building permit.

22 (3) The application shall state in detail the factual basis for the claim of
23 waiver, reduction or adjustment.

24 (4) The City Council shall consider the application at the public hearing on
25 the permit application or at a separate hearing held within 60 days after the filing of
26 the fee adjustment application, whichever is later.

27 (5) The decision of the City Council shall be final.
28

1 (6) If a reduction, adjustment or waiver is granted, any change in use within
2 the project shall invalidate the waiver, adjustment or reduction of the fee.

4 **MECHANICAL CODE**

5 **§ 150.030 ADOPTION OF CALIFORNIA MECHANICAL CODE.**

6 For the purposes of providing minimum standards to safeguard the life or limb,
7 health, property and the public welfare by regulating and controlling the design,
8 construction, installation, quality of materials, location, operation and maintenance of
9 heating, ventilating, comfort cooling and refrigeration systems, incinerators and other
10 miscellaneous heat-producing appliances in the city, that certain code designated as
11 the "California Mechanical Code," 2010 Edition, published by the International
12 Association of Plumbing and Mechanical Officials, 1 copy of which is on file in the office
13 of the Building Department for public record and inspection, is hereby adopted by
14 reference and made a part of this chapter as though set forth in this chapter in full,
15 subject, however, to any amendments, additions and deletions set forth in this
16 subchapter, and the code shall be known as the Mechanical Code of the city.

18 **§ 150.031 FEES.**

19 A fee for each permit shall be paid to the Licensing and Revenue Office as set forth
20 in § 150.003(B).

21 **ELECTRICAL CODE**

22 **§ 150.040 ADOPTION OF THE CALIFORNIA ELECTRICAL CODE.**

23 For the purpose of protecting the public health and welfare and establishing rules
24 and regulations for the construction, original electrical installation, and all electrical
25 alterations and repairs and the maintenance of electrical installations in all buildings
26 and structures in the city, that certain code designated as the "California Electrical
27 Code," 2010 Edition, including Annex Chapters B and C, published by the National Fire
28 Protection Association, 1 copy of which is on file in the office of the Building

1 Department for public record and inspection, is hereby adopted by reference and
2 made a part of this chapter as though set forth in this chapter in full, subject,
3 however, to any amendments, additions, and deletions set forth in this chapter, and
4 the Code shall be known as the Electrical Code of the city.

5
6 **§ 150.041 FEES.**

7 A fee for each permit shall be paid to the Licensing and Revenue Office as set forth
8 in § 150.003(B).

9
10 **PLUMBING CODE**

11 **§ 150.050 ADOPTION OF THE CALIFORNIA PLUMBING CODE.**

12 For the purpose of establishing minimum regulations for the installation, alteration
13 and repair of plumbing and drainage systems and the inspection thereof, in the city,
14 that certain code designated as the "California Plumbing Code," 2010 Edition,
15 published by the International Association of Plumbing and Mechanical Officials, 1
16 copy of which is on file in the office of the Building Department for public record and
17 inspection, is hereby adopted by reference and made a part of this subchapter as
18 though set forth in this subchapter in full, subject, however, to any amendments,
19 additions and deletions set forth in this subchapter, and the code shall be known as
20 the Plumbing Code of the city.

21 **§ 150.051 FEES.**

22 A fee for each permit shall be paid to the Licensing and Revenue office as set forth
23 in § 150.003(B).

24
25 **§ 150.052 CONSTRUCTION SITE RESTROOM FACILITY.**

26 (A) Private sanitary toilet facilities shall be provided at all construction sites for
27 employees.

1 (B) The toilet facility shall be placed at foundation stage of construction or when
2 no other private sanitation is provided on property.

3 (C) The facility shall be maintained until completion or when other facilities are
4 provided for employees.

5
6 **UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

7 **§ 150.060 ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF**
8 **DANGEROUS BUILDINGS.**

9 For the purposes of protecting the public health and welfare and establishing rules
10 and regulations for the construction, enlargement, alteration, repair, moving, removal,
11 conversion, demolition, occupancy, equipment, use, height, area and maintenance of
12 buildings and structures in the city, that certain code designated as the "Uniform Code
13 for the Abatement of Dangerous Buildings," 1997 Edition, published by the
14 International Conference of Building Officials, 1 copy of which is on file in the office of
15 the Building Department for public record and inspection, is hereby adopted by
16 reference and made a part of this chapter as though set forth in this chapter in full,
17 subject, however, to any amendments, additions, and deletions set forth in this
18 chapter, and the code shall be known as the Dangerous Building Code of the city.

19 **INTERNATIONAL EXISTING BUILDING CODE**

20 **§ 150.070 ADOPTION OF THE INTERNATIONAL EXISTING BUILDING**
21 **CODE.**

22 For the purposes of protecting the public health and welfare and establishing rules
23 and regulations for the construction, enlargement, alteration, repair, moving, removal,
24 conversion, demolition, occupancy, equipment, use, height, area and maintenance of
25 buildings and structures in the city, that certain code designated as the "International
26 Existing Building Code", 2009 Edition, including Appendix Chapters A, A1, A2, A3, A4,
27 A5, A, B and Resource Guidelines, published by the International Code Council, 1 copy
28 of which is on file in the office of the Building Department for public record and

1 inspection, is hereby adopted by reference and made a part of this chapter as though
2 set forth in this chapter in full, subject, however, to any amendments, additions, and
3 deletions set forth in this chapter, and the code shall be known as the Existing
4 Building Code of the city.

5
6 **§ 150.071 FEES.**

7 A fee for each permit shall be paid to the Licensing and Revenue office as set forth
8 in § 150.003(B)(1).

9
10 **INTERNATIONAL PROPERTY MAINTENANCE CODE**

11 **§ 150.080 ADOPTION OF THE INTERNATIONAL PROPERTY**
12 **MAINTENANCE CODE.**

13 For the purposes of protecting the public health and welfare and establishing rules
14 and regulations for the construction, enlargement, alteration, repair, moving, removal,
15 conversion, demolition, occupancy, equipment, use, height, area and maintenance of
16 buildings and structures in the city, that certain code designated as the "International
17 Property Maintenance Code", 2009 Edition, published by the International Code
18 Council, 1 copy of which is on file in the office of the Building Department for public
19 record and inspection, is hereby adopted by reference and made a part of this chapter
20 as though set forth in this chapter in full, subject, however, to any amendments,
21 additions, and deletions set forth in this chapter, and the code shall be known as the
22 Property Maintenance Code of the city.

23
24 **§ 150.999 PENALTY.**

25 (A) Any person violating any of the provisions of § 150.001 or the Building Code
26 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be
27 punishable as set forth in § 10.99.

1 (B) Any person violating any of the provisions of §§ 150.030 et seq. or the
2 Mechanical Code shall be deemed guilty of a misdemeanor and, upon conviction
3 thereof, shall be punishable as set forth in § 10.99.

4 (C) Any person violating any of the provisions of §§ 150.040 et seq. or the
5 Electrical Code shall be deemed guilty of a misdemeanor and, upon conviction thereof,
6 shall be punishable as set forth in § 10.99.

7 (D) Any person violating any of the provisions of §§ 150.050 et seq. or the
8 Plumbing Code shall be deemed guilty of a misdemeanor and, upon conviction thereof,
9 shall be punishable as set forth in § 10.99.

10
11 **Section 4.** *No Effect on Enforcement of Prior Sections.* The repealing provisions of
12 the Auburn Municipal Code shall not affect or impair any act done, or right vested or
13 approved, or any proceeding, suit or prosecution had or commenced in any cause
14 before such repeal shall take effect; but every such act, vested right, proceeding,
15 suit, or prosecution shall remain in full force and effect for all purposes as if the
16 applicable provisions of the 2007 Code, or part thereof, had remained in force and
17 effect. No offense committed and no liability, penalty, or forfeiture, either civil or
18 criminal, incurred prior to the repeal or alteration of any applicable provision of the
19 2007 Code as amended, shall be discharged or affected by such repeal or alteration
20 but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall
21 be instituted and proceed in all respects as if the applicable provisions of the 2007
22 Code, as amended, had not been repealed or altered.
23
24

25
26 **Section 5.** *Effective Date.* This Ordinance shall not take effect until thirty (30) days
27 after its final passage, or January 1, 2011, whichever occurs later.
28

1 **Section 6.** *Severability.* If any section, subsection, sentence, clause, phrase or
2 portion of this Ordinance is for any reason held out to be invalid or unconstitutional
3 by the decision of any court of competent jurisdiction, such decision shall not affect
4 the validity of the remaining portions of this ordinance. The City Council hereby
5 declares that it would have adopted this ordinance and each section, subsection,
6 sentence, clause, phrase or portion thereof irrespective of the fact that any one or
7 more sections, subsection, sentence clause, phrases or portions be declared valid or
8 unconstitutional.
9

10
11 **Section 7.** *Publication.* Pursuant to Government Code Section 36933, the City
12 Clerk is authorized to prepare a summary of this ordinance to be published and
13 posted in lieu of publication and posting of the entire text of the ordinance.
14
15

16 **Section 8.** *Filing With Commission.* The City Clerk shall file a certified copy of this
17 Ordinance with the California Building Standards Commission and the Department of
18 Housing and Community Development.
19

20 **Section 9.** *Continuity.* To the extent the provisions of this Ordinance are
21 substantially the same as previous provisions of the Municipal Code, these provisions
22 shall be construed as continuations of those provisions and not as amendments of
23 the earlier provisions.
24
25

26 **Section 10.** *No effect on fees.* This ordinance shall not affect the ability of the city
27 to collect any fees that were authorized by prior versions of this code unless the
28

1 underlying code section was repealed in its entirety and not replaced elsewhere in
2 the code in any form.

3
4 **Section 11.** *Supplementary of Existing Law.* The City Council intends this
5 Ordinance to supplement, not to duplicate or contradict, applicable state and federal
6 law and this Ordinance shall be construed in light of that intent.
7

8
9 DATED: December 13, 2010
10

11
12
13

William W. Kirby, M.D., Mayor

14 ATTEST:

15
16

Joseph G. R. Labrie, City Clerk
17

18
19 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the
20 foregoing resolution was duly passed at a regular meeting of the City Council of the
21 City of Auburn held on the 13th day of December 2010 by the following vote on roll
22 call:

23 Ayes:

24 Noes:

25 Absent:
26

27

Joseph G. R. Labrie, City Clerk
28